

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

REGGIE MASON
DBA LODI CHROME
316 North Main Street
Lodi, California 95240-0604

ID No: CAR 000 143 776

Respondent.

Docket HWCA 2004-0427

STIPULATION AND ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Reggie Mason dba Lodi Chrome (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1.2. Site. Respondent generates, handles, treats, stores, and/or disposes of hazardous waste at the following site: 316 North Main Street, Lodi, California (Site).

1.3. Inspection. The Department inspected the Site on December 22, 2003.

1.4. Authorization Status. Respondent generates the following hazardous waste: spent nickel stripping sludge; spent metal-bearing and corrosive nickel-stripping solution; spent rinse waters containing nickel, copper, and hexavalent chromium; spent corrosive rinse waters, spent plating solutions and rinse waters containing cyanide; spilled

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electroplating process solutions containing various dissolved metals; sludge waste from tanks used to clean metal parts prior to electroplating; degreasing sludge; spent corrosive and metal-bearing cleaning solutions; and, hazardous fine powder from chrome polishing operations.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Hearing. Respondent waives any right to a hearing in this matter.

1.7. Full Settlement. By their respective signatures below, the Parties , and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. This Order shall constitute full settlement of the violations alleged below. By agreeing to this Order, the Department does not waive any right to take further enforcement actions within its jurisdiction and involving either the Respondent(s) or the Site, except to the extent provided in this Order.

2. VIOLATIONS

2.1. Enforcement Order. On September 7, 2005, the Department issued an Enforcement Order to Respondent, a true and correct copy of said Enforcement Order is attached hereto as Exhibit A, and is incorporated herein by this reference.

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2.2. Admissions. Respondent admits the violations set forth in the Enforcement Order.

3. SCHEDULE FOR COMPLIANCE

3.1. No further actions are required on the part of the Respondent with respect to the violations.

3.2. Respondent shall make all payments at the times and in accord with any other conditions set forth in Section 5 (Penalty) below.

3.3. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

3.4. Communications. All approvals and decisions of the Department made regarding such submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

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3.5. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

4. OTHER PROVISIONS

4.1. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.2. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

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4.3. Integration. This Order constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by a writing duly executed by the Department and specifically referencing this document by title and docket number, or as otherwise provided in this Order.

4.4. Privileges. Nothing in this Order shall be construed to require any party to waive any privilege, including without limitation, attorney-client and attorney work-product. However, the assertion of any privilege shall not relieve any party of its obligations under this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$55,000, which includes \$18,750 as reimbursement of the Department's costs incurred in connection with this matter.

5.2. Payment is due in the amounts and on the dates set forth below.

May 1, 2006	\$5,000
June 1, 2006	\$5,000
July 1, 2006	\$4,500
August 1, 2006	\$4,500
September 1, 2006	\$4,500
October 1, 2006	\$4,500
November 1, 2006	\$4,500
December 1, 2006	\$4,500
January 1, 2007	\$4,500
February 1, 2007	\$4,500
March 1, 2007	\$4,500
April 1, 2007	\$4,500

5.3. In the event that any payment is not received at the address set forth below on or before the tenth day of the month in which it is due, the entire remaining balance shall become due and payable immediately.

5.4. The penalty shall be reduced by \$5,000 if, and only if, Respondent sends at least one employee to the California Compliance School, Modules I - V, and submits to the Department, within 180 days of the effective date of this Consent Order, Certificates of Satisfactory Completion thereof. In the event that the above Certificates of Satisfactory Completion are not all received by the Department within 180 days of the effective date of this Consent Order, the entire remaining balance of \$5,000 shall then become due and payable.

5.5. Lodi Chrome may receive a further \$12,500 credit against the penalty by demonstrating that it has expended \$25,000 on DTSC approved pollution prevention measures.

(a) Lodi Chrome may choose to receive a lesser credit for pollution prevention measures at the same 1:2 rate of credit to expenditure.

(b) In order to receive credit for pollution prevention measures, Respondent shall complete the items (as listed in order of priority) described in the following list, giving the first item in the list the highest priority:

(i) A dust collection system as described in Respondent's letter to the Department of October 31, 2005.

(ii) An ion exchange system for waste water treatment as described in

Respondent's letter to the Department of October 31, 2005.

(c) If Respondent chooses to claim the available pollution prevention credit, then, within 30 days of the effective date of this Order, Respondent shall submit a detailed work plan, along with a reasonable schedule for completion, to DTSC. Within 10 business days of receipt of the plan and schedule, DTSC will evaluate the plan and schedule as provided in paragraph 3.5 above.

(d) In the event that Respondent shall fail to complete the approved work in full, any credit to be given under this paragraph shall be in the discretion of the Department after review of the work actually completed.

5.6. Any credits to which Respondent may be entitled pursuant to paragraphs 5.4 or 5.5 above, shall be applied to the total penalty set forth at paragraph 5.1 only after all required cash payments have been made and received.

5.7. Respondent's checks shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of each check shall be sent to:

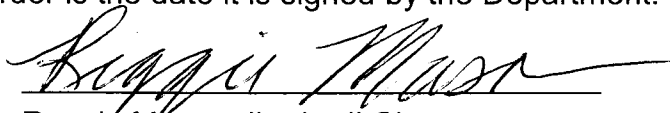
Mr. Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

5.8. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection, including attorney's fees.

6. EFFECTIVE DATE

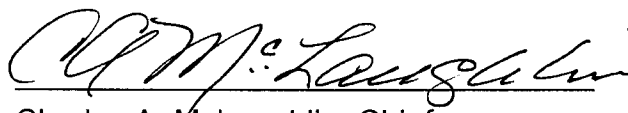
6.1. The effective date of this Order is the date it is signed by the Department.

Dated:


Reggie Mason dba Lodi Chrome
Respondent

Dated:

26 APR 06


Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Department of Toxic Substances Control

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